JUL 18 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:
    Kevin Calloway

Serial Number:	09/708,235	Examiner: Alvarez, Raquel
Filed:	11/7/2000	Art Unit: 3622
For:	MULTIMEDIA MESSAGING METHOD AND SYSTEM	

APPEAL BRIEF UNDER 37 CFR 1.192

Dear Sir or Madam:

REAL PARTY IN INTEREST

The real party in interest is Alterian, LLC

RELATED APPEALS AND INTERFERENCES

None.

STATUS OF CLAIMS

Claims 1-63 and 71-78 are pending and rejected, and the appeal is on the rejection

of these claims. Claims 64-70 have been cancelled.

STATUS OF AMENDMENTS

No amendments were filed after final rejection.

SUMMARY OF INVENTION

The present invention, in one embodiment, is a method and device for creating multiple individualized multimedia messages over a computer network to multiple recipients, respectively, all at one time. (p. 18 lines 3-11)

Individualization or personalization occurs from at least two sources, i.e., data in a recipients' database (e.g., recipient's name and address) and certain preset rules ("business logic rules"), e.g., providing local hotels or restaurants based on the address information for the individual. This is a second level of personalization which is above a first level, i.e., mere use of the recipient's data in the message (such as recipient's name in a greeting).

Multimedia messages incorporate different media, e.g., text and/or graphics, along with video and/or audio. (p. 24 line 21– p. 25 line 2)

The messages are preferably "filled" at the time of viewing or opening by the recipient, e.g., the message contains a URL or other link to a database such that when the message is opened, the data from the database is sent to the message (P. 25 lines 9- 22). This aspect of the invention enables extremely fast sending of large groups of messages, in spite of individualization and in spite of multimedia content which may contain relatively large files. It even allows a message to be updated by updating the data with which the message will be filled when opened or viewed. In other words, the message contains a link or links back to the sender's database (or elsewhere) to the specific individualized information.

In another aspect of the invention, there is a unique URL assigned to each e-mail, and this URL carries information about the user. (Page 8, line 20 to Page 9, line 4 and

Fig. 14 plus Page 54, line 10 to Page 56, line 19). Therefore, the speed with which a

message can be individualized is enhanced because there is no need to store prior

information about messages sent to the user. The unique URL does that, and when it is

updated, it carries new information about the user.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. In the Office Action of August 16, 2006 (p. 2) Claims 1-15, 18-33, 55, 57, 58, 71-72, and 74 were rejected under 35 USC 103(a) as being unpatentable over Hibbeler USP 6,076,348 in view of Official Notice. Is this rejection proper? For claims 1-15, 18-33, 55, 57, 58, 71-72, and 74, would it have been obvious to one of ordinary skill in the art to have included messages being graphic or video with Hibbeler, a system for creating and distributing individualized multimedia messages?

2. In the Office Action of August 16, 2006 (p. 4) claim 8 was rejected under 35 USC 103(a) as being unpatentable over Hibbeler in view of Official Notice. Is this rejection proper? For claim 8 would it have been obvious to one of ordinary skill in the art to include a clean up routine from Official Notice?

3. In the Office Action of August 16, 2006 (p. 5) claims 12-15, 33, 36-38, 54, 46, and 59-63 were rejected under 35 USC 103(a) as being unpatentable in view of Hibbeler. Is this rejection proper? For Claims 12-15, 33, 36-38, 54, 46, and 59-63 would it have been obvious to one of ordinary skill in the art to deliver messages via various email formats from the teachings of Hibbeler?

4. In the Office Action of August 16, 2006 (p. 5) claims 19 and 23 were rejected under 35 USC 103(a) as being unpatentable in view of Official notice. Is this rejection proper? For Claims 19 and 23 would it have been obvious from Official notice to recite print the individualized messages?

5. In the Office Action of August 16, 2006 (p. 5) claims 22 and 31 were rejected under 35 USC 103(a) as being unpatentable in view of Hibbeler. Is this rejection proper? For claims 22 and 31, would it have been obvious to one of ordinary skill in the art to use

4

various programming languages in view of Hibbeler?

6. In the Office Action of August 16, 2006 (p. 5) claims 39-40, 42-43, and 45 were rejected under 35 USC 103(a) as being unpatentable in view of Official Notice. Is this rejection proper? For claims 39-40, 42-43, and 45 would it have been obvious to one of ordinary skill in the art from Official Notice to include allowing direct client input and a search engine?

7. In the Office Action of August 16, 2006 (p. 6) claims 41, 44, and 46 were rejected under 35 USC 103(a) as being unpatentable in view of Official Notice. Is this rejection proper? For claims 41, 44, and 46 would it have been obvious to one of ordinary skill in the art from Official Notice to restrict non-authorized parties from accessing a client campaign and files check in and out?

8. In the Office Action of August 16, 2006 (p. 6) claim 47 was rejected under 35 USC 103(a) as being unpatentable in view of Official Notice. Is this rejection proper? For claim 47, would it have been obvious to one of ordinary skill in the art from Official Notice to included real time report and usage statistics?

9. In the Office Action of August 16, 2006 (p. 6) claim 51 was rejected under 35 USC 103(a) as being unpatentable in view of Official Notice. Is this rejection proper? For claim 51, would it have been obvious to one of ordinary skill in the art from Official Notice to modify the individualized message with an offer, rebate, or discount?

10. In the Office Action of August 16, 2006 (p. 7) claim 52 was rejected under 35 USC 103(a) as being unpatentable in view of Official Notice. Is this rejection proper? For claim 52, would it have been obvious to one of ordinary skill in the art from Official Notice to have a form of word-of mouth advertisement?

11. In the Office Action of August 16, 2006 (p. 7) claim 53 was reject under 35 USC 103(a) as being upatentable in view of Official Notice. Is this rejection proper? For claim 53, would it have been obvious to one of ordinary skill in the art from Official Notice to collect user's recommendations?

12. In the Office Action of August 16, 2006 (p. 7) claims 16-17, 34, and 75-78 are rejected under 35 USC 103(a) as being unpatentable over Hibbeler in view of Smith et al. (6,725,381). Is this rejection proper? For claims 16-17, 34, and 75-78 would it have been obvious to one of ordinary skill in to modify Hibbeler with Smith et al. which teaches sending e-mails containing URL's which can be used to access the subject document?

ARGUMENT

A. CLAIMS 1-7, 9-11, 20-21, 24-30, 32, 49, 55 and 57-58:

Claims 1-7, 9-11, 20-21, 24-30, 32, 49, 55 and 57-58 have been rejected as being anticipated by Hibbeler (U.S. Patent No. 6,067,348). It is asserted that Hibbeler teaches creation of individualized multimedia messages using recipient information and selecting multimedia content based on the recipient information. However, this general assertion ignores the definition of the term "multimedia" in the claims, ignores the definition of creating individualized content based on "recipient information" and ignores the limitations of Hibbeler, including that it is simply a voice mail personalization method. It would not have been obvious to one of ordinary skill in the art to have included messages with graphic or video in Hibbeler, which is an audio (voice mail) medium, and thus it would not have been obvious to one of ordinary skill in the art to create a system for creating and distributing individualized multimedia messages at the time of the invention.

1. Claim 1:

In one embodiment, the claimed invention is more than simply personalizing an email by inserting a name in the text. The email template which is applicable to the recipient is generated from lookup in a database using unique recipient data, unique data in multimedia, and synchronization of the multimedia data.

Claim 1 recites a message creation and distribution system where:

    i.   the recipient information repository contains unique information about multiple recipients, and

    ii.   the multimedia content repository is defined so that it contains (a) at least one of text and graphics files, and (b) at least one of audio and

video files.

The defined multimedia content i.e., (a) the text and/or graphics files along with (b) the audio and/or video files, are selected based on the recipient information and delivered over the computer network.

This combination of elements (i) and (ii) including (a) and (b) above is not shown or suggested by Hibbeler.

Hibbeler teaches a **phone** message (outbound message) personalization by **inserting a recipient's first name** from "name storage 100" into a message.

1.   In Hibbeler, **the message is merely audio**, and thus is not "multimedia," as defined by the claim

2.   In Hibbeler, **the message body does not vary** from recipient to recipient. An audio of the recipient's first name is a "greeting segment" and is simply placed before the message body.

3.   In Hibbeler, **there is no selection of message content** based on (but different from just) the individual recipient information.

4.   In Hibbeler, **the message is sent and is not changed when sent, whether digital or not.   Absolutely no method is disclosed or suggested for changing a message after broadcasting the message.**

Hibbeler merely adds a name before or in an otherwise fixed message. There is **no** teaching of **multimedia computer files** and there is **no** teaching of **changing the multimedia content based on the personalized data**, rather than simply adding personal (unchanged) data to the message.

Hibbeler's use of digital formatting for sending or storing the message **is not**
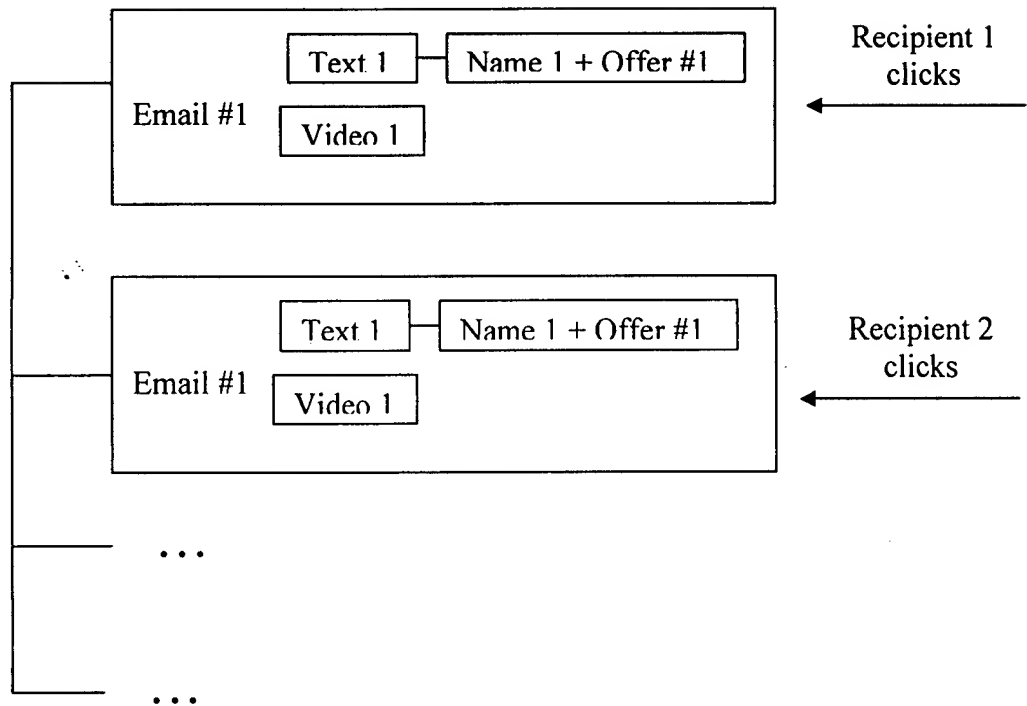
multimedia format, and certainly is not multimedia format as set forth in claim 1, which defines multimedia content as containing at least one of element (ii)(a) AND at least one of element (ii)(b) (as set forth above). The end result is simply a voice message. Moreover, multimedia is defined in the claims, e.g., in claim 1 and further defined in claim 3, in a way not shown or suggested by Hibbeler. Further, there is NO way to produce multimedia in a voice message. Moreover, no art is cited to show multimedia as defined as well as content personalization of the multimedia content (rather than a simple pass through of the stored recipient data (such as the name pass through in Hibbeler).
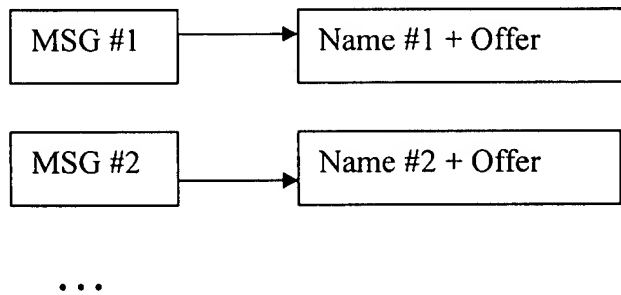
The table below and diagrams below emphasize the above points.

Claim 1	Hibbeler
A system for creating and distributing a series of individualized multimedia messages over a computer network to a plurality of recipients, comprising:	Creates multiple voice mail messages which can be delivered electronically
(a) a recipient information repository with unique recipient information for at least a first and second recipient;	Personal <u>names</u> may be inserted into a message from name storage 100
(b) a multimedia content repository with computer files comprising at least one of text and graphics files, and further comprising at least one of audio and video files; and	Voice only – no multimedia and no way to deliver multimedia (Note that claim element (b) defines "multimedia")
(c) means for creating and delivering individualized multimedia content over said computer network to each of the plurality of recipients, wherein said multimedia content is assembled from selected elements within the multimedia content repository which are selected in response to individual information about each of said recipients whose individual information is extracted from the recipient information repository.	No way to create and/or deliver multimedia content; no selection of multimedia content based on individualized information

CHANGEABLE CONTENT BEFORE RECIPIENT CLICKS

Email #1

Text 1 — Name 1 + Offer #1

Video 1

Recipient 1 clicks

Email #1

Text 1 — Name 1 + Offer #1

Video 1

Recipient 2 clicks

. . .

. . .

HIBBELER

MSG #1 → Name #1 + Offer

MSG #2 → Name #2 + Offer

. . .

2. Claim 3:

Independent claim 3 has some similarity to claim 1 and is therefore believed patentable in view of claim 1 being patentable.

3. Claim 4:

Claim 4 depends on claim 3 and recites a data access routine, which is simply not shown or suggested by Hibbeler. No art is cited to show or suggest this.

4. Claim 5:

Claim 5 recites that the system includes an administration routine, and that the administration routine includes routines of viewing/playing content, uploading content, searching content, and organizing multimedia content. As recited in claim 1, the multimedia content includes computer files having at least one of text and graphic files and at least one of audio and video files. By contrast, the Hibbeler reference lacks any teaching of multimedia content. It is simply an audio message with the name of the user appended at the beginning and/or elsewhere in the message, and also simply lacks any teaching or suggestion of an administration routine for organizing multimedia content. No art is cited to show or suggest this.

5. Claim 6:

Claim 6 depends on claim 5 and also recites that the administration routines create and maintain database and directory structures. This simply is not shown or suggested by Hibbeler. No art is cited to show or suggest this.

6. Claim 7:

Claim 7 also depends on claim 5 and recites that the system includes file conversion routines for converting file formats within the system and for delivery to

clients. This is simply not disclosed by Hibbeler, especially since Hibbeler does not disclose any multimedia content. File conversion is unnecessary in the simple audio/telephonic system of Hibbeler and thus is not suggested. No art is cited to show or suggest this.

The remaining claims have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hibbeler.

The Office action indicates that Hibbeler teaches transmitting the message over the internet (col. 6, line 38-40) and that various other elements of the subject invention would have been obvious to one of ordinary skill in the art because of asserted well known protocols. No art is cited to show or suggest such asserted well known protocols.

6. Claim 10:

Claim 10 depends on claim 3 and emphasizes that in the claimed invention, in a preferred embodiment, the recipient information is first converted into a unique content then the content (i.e., user varying content) is used in the multimedia message. The recipient data itself is not simply passed through and inserted into the message. Rather, it is used to obtain unique data. By contrast, in Hibbeler, the recipient data is simply passed along, i.e., the recipient's name such as first or last name.

7. Claim 12:

Claim 12 emphasizes that the multimedia content in addition to text and graphics, includes video and/or audio. The video and/or audio files are selected from a group consisting of multimedia format languages. Hibbeler, even if it uses telephony (i.e., uses the internet to deliver an audio message), only delivers an audio message. It does not suggest the use of multimedia format messages, and no art is cited to show or suggest

this.

8. Claims 13, 14, 15:

Claims 13, 14 and 15 concern playing the multimedia format including the video and/or audio to play automatically. Claim 15 recites specific markup languages not shown or suggested by Hibbeler. These claims and claims 16-17 below emphasize how the message is assembled on an individual basis in real time, rather than the Hibbeler "batch process." That is, Hibbeler creates all the messages and sends them out in a batch. In the claimed invention, an email template (which is in one embodiment) individually selected based on unique recipient data and "business logic" is filled "dynamically" i.e., on the fly at the recipient rather than in a batch at the place of sending the email templates. No art is cited to show or suggest the claimed elements.

9. Claim 16:

Claim 16 specifically recites that the message is formatted to contain a unique URL link which retrieves the multimedia message content. According to this aspect of the invention, the content that fills the message need not be sent at the time the message is sent and fills the message later. This aspect of the invention allows many emails to be sent at the same time extremely quickly. In addition, this aspect of the invention **enables the content of the multimedia message to be changed even after the message has been sent. There is absolutely no suggestion of this feature in Hibbeler. Mere capability of changing a message does not support an obviousness rejection.** No art is cited to show the claimed elements. The table and diagram below show creation of unique content from the unique URL, and this "backfilling" of message content after sending the email message. This applies to claims 75-78 too.

CLAIM 16	HIBBELER
16. A system as recited in claim 11, wherein the individualized multimedia message is formatted for delivery to the recipient as an email message containing a unique URL link that when activated ret	Hibbeler sends the voice mail messages out in a batch process to each recipient.
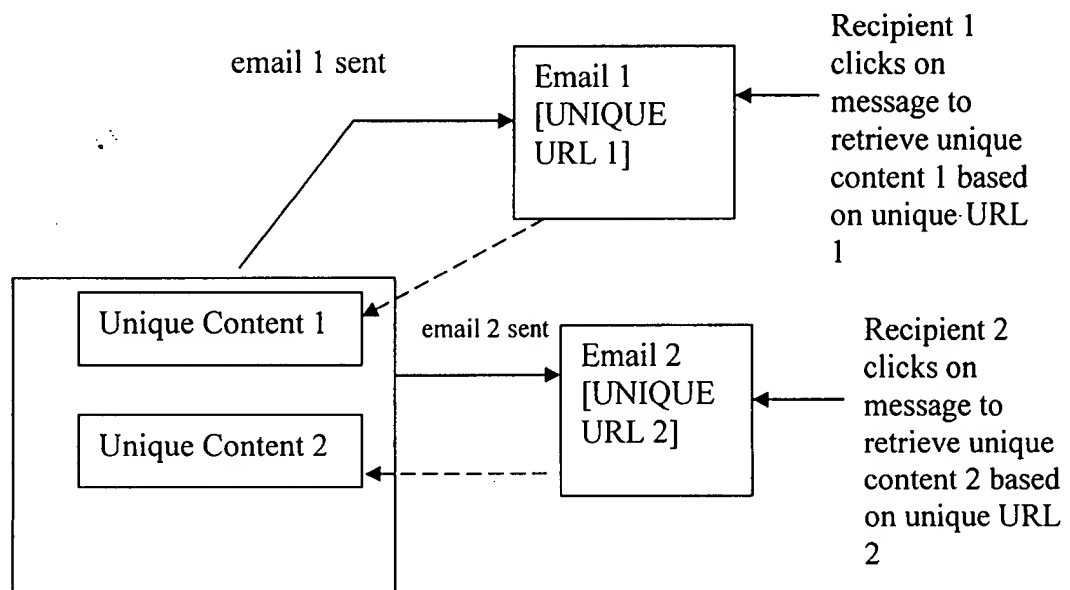
10. Claim 17:

With respect to claim 17, it recites a first routine to collect individualized data and a second routine to display the data and depends on 16. Therefore, it emphasizes filling the message after the message has been sent, e.g., upon opening by the recipient or selection of the link by the recipient. No art is cited to show or suggest the claimed elements.

11. Claim 20:

Claim 20 is patentably distinct from Hibbeler for those reasons set forth in claim 1. In addition, claim 20 is patentably distinct from Hibbeler in that the multimedia

content is selected using recipient data thus providing, as noted above, a second level of personalization. In other words, the selected multimedia content that ends up in the message is **of a different type from just the recipient data**. One example is where the multimedia content is a coupon for a restaurant located in the same geographic area such as the same city, or same zip code, or within a predetermined radius of the recipient's location. Another type of data might be the location of a restaurant (nearest the recipient) of a national chain of restaurants. **This is a step well beyond taking a name of a recipient and simply putting it into a message as is done in Hibbeler.** No art is cited to show or suggest the claimed elements.

12. Claim 25:

Claim 25 concerning synchronization of the different types of multimedia files emphasizes that there is more to the construction of the subject invention to provide individualized multimedia emails than simply pasting an audio of a name file to the front of an audio message. No art is cited to show or suggest the claimed elements.

13. Claim 34:

Dependent claim 34 depends on claim 20. It further recites that the delivered message is an email with recipient's name and email address. **In addition, the email has a unique URL pointing to the message content. Accordingly, as noted above with respect to claim 20, the message may be filled at the time of the recipient clicking on it, rather than being sent out in field form.** This enables rapid sending of many messages at the same time because the files being sent initially are small. In addition, it allows the point in time the recipient looks at the message content to be substantially later than the point in time where the message is sent, and allows for data to be updated **even**

after the message has been sent. In fact, even after the recipient looks at the message, if the recipient closes it and looks at it again, data could be updated between the first review and the second review of the message. No art is cited to show or suggest the claimed elements.

Hibbeler suggests no such thing.

14. Claim 35:

Claim 35 depends on claim 34 and adds the fact that the multimedia content will play when the recipients email inbox is highlighted in addition to the unique URL playing to the message content. This occurs simultaneously and spontaneously. Hibbeler suggests no such thing and it would not have been obvious to one of ordinary skill in the art to do so. No art is cited to show or suggest the claimed elements.

15. Claim 39:

Claim 39 depends on claim 20 and recites that the client interface management routine contains a graphical user interface for displaying information and allowing direct client input. In this way, the client can dynamically use and change the message content which it sees. Hibbeler teaches no such thing and, again, it is respectfully submitted that such would have been obvious. Only through the use of hindsight would it occur to one of ordinary skill in the art. No art is cited to show or suggest the claimed elements.

16. Claim 40:

Claim 40 depends on claim 20 and recites that the content management routine further includes routines for directing content uploading and customization of the content database. This emphasizes the novelty and nonobviousness of the claimed invention filling messages after sending and/or filling messages with content that is unique to a user

and selected based on recipient data, not just recipient data passed along. No art is cited to show or suggest the claimed elements.

17. Claim 41:

Claim 41 is patentable as it depends on claim 20. In addition, it recites file security for a campaign so that only authorized parties can access the content management routine. Hibbeler discloses no such thing. No art is cited to show or suggest the claimed elements.

18. Claim 42:

Claim 42 recites a search engine for the content repository. It depends on claim 20 too and, therefore, is patentably distinct from the art of record. No art is cited to show or suggest the claimed elements.

19. Claim 44:

Claim 44 recites that the content management routine includes control routines that manage file check-in and check-out by clients accessing the system. Hibbeler discloses no such thing. No art is cited to show or suggest the claimed elements.

20. Claim 47:

Dependant claim 47 depends on claim 20 and further recites a reporting routine for real-time reporting of content and usage statistics. This entails **feedback** from the recipient whether or not the recipient intends to provide feedback. Hibbeler provides no such feedback and the concept of feedback in general does not render this aspect of the invention obvious. No art is cited to show or suggest the claimed elements.

21. Claim 48:

Claim 48 is patentably distinct over the art of record in that it depends on claim

47. In addition, it emphasizes feedback by reciting specific forms of feedback, none of which would have been disclosed by or would have been obvious from Hibbeler or the use of feedback in general. No art is cited to show or suggest the claimed elements.

22. Claim 50:

Claim 50 depends on claim 20 and recites that the content management routine may synchronize combinations of a certain multimedia, i.e., graphic, audio and text, for presentation to the recipient. There is no way to have multimedia over the telephone whether the telephone message is sent by internet or regular phone lines. There is no such suggestion in Hibbeler to use multimedia content. No art is cited to show or suggest the claimed elements.

23. Claim 51:

Claim 51 relates to a multimedia engine routine which modifies the message content and specifically recites use of offers, discounts, coupons or rebates after the campaign has been deployed. This specific aspect and advantage of the invention is in no way disclosed or obvious from Hibbeler. No art is cited to show or suggest the claimed elements.

24. Claim 55:

Claim 55 is a method and is patentably distinct from the art of record for substantially the same reasons as claim 1. No art is cited to show or suggest the claimed elements.

25. Claims 71-74:

In addition, claims 71 to 74 emphasize that the multimedia content repository further includes at least one audio and video file. Use of text and/or graphics having

personalized information in combination with audio and/or video having personalized information is in no way possible or disclosed by Hibbeler. No art is cited to show or suggest the claimed elements.

26. Claims 75-78

Claims 75-78. Each emphasizes the unique URL, which carries information about the user, and therefore adds to the speed with which a message can be individualized. There is no need to store prior information about messages sent to the user. The unique URL does that (carries in itself a unique code to fill the message content) and when it is updated, it carries new information about the user. Hibbeler has absolutely no suggestion or disclosure of such a unique URL. No art is cited to show or suggest the claimed elements.

Respectfully submitted,

LAW OFFICES OF DAVID L. HOFFMAN

Date: July 16, 2007

David L. Hoffman
Reg. No. 32,469

Encls.
Appendix

LAW OFFICES OF DAVID L. HOFFMAN
27023 McBean Parkway, Ste. 422
Valencia, CA 91355
Tel: (661) 775-0300
Fax: (661) 775-9423

APPENDIX

1.   (Previously presented) A system for creating and distributing a series of individualized multimedia messages over a computer network to a plurality of recipients, comprising:

    (a) a recipient information repository with unique recipient information for at least a first and second recipient;

    (b) a multimedia content repository with computer files comprising at least one of text and graphics files, and further comprising at least one of audio and video files; and

    (c) means for creating and delivering individualized multimedia content over said computer network to each of the plurality of recipients, wherein said multimedia content is assembled from selected elements within the multimedia content repository which are selected in response to individual information about each of said recipients whose individual information is extracted from the recipient information repository.

2.   (Previously presented) A system as recited in claim 1, wherein the means for creating and delivering individualized multimedia content over said network comprises a computer operatively coupled to said network for executing a programmed sequence of instructions which assemble said computer files from the multimedia content repository as selected according to said individual information about one of said recipients, as extracted from said recipient information repository, into a multimedia stream containing said computer files delivered to said recipient.

3.   (Previously presented) A system for creating and delivering a series of
individualized multimedia messages over a computer network, comprising:

means for accessing information about an intended recipient with unique recipient
information for at least a first and second recipient;

means for personalizing a multimedia message with computer files comprising at
least one of text and graphics files and at least one of audio and video files for the
intended recipient based upon information about a particular intended recipient; and

means for delivering the multimedia message over the computer network to the
intended recipient.

4.   (Previously presented) A system as recited in claim 3, wherein the means for
accessing information about an intended recipient comprises a data access routine within
a programmed set of instructions being executed within a computer, the data access
routine for manipulating a database, local or remote, to extract information about a
recipient.

5.   (Previously presented) A system as recited in claim 4, further comprising an
administration for monitoring and facilitating the creation of multimedia content within a
multimedia campaign and includes routines of viewing/playing content, uploading
content, searching content, and organizing multimedia content.

6.   (Previously presented) A system as recited in claim 5, wherein the administration routines are for creating and maintaining database and directory structures.

7.   (Previously presented) A system as recited in claim 5, further comprising file conversion routines for converting file formats within the system and for delivery to clients.

8.   (Previously presented) A system as recited in claim 5, further comprising a clean up routine for selective clean up of a recipient database by removing errors and unwanted redundancies.

9.   (Previously presented) A system as recited in claim 5, further comprising an archiving routine for saving files and associations within a particular campaign into an archive from which the campaign may be later restored and executed.

10.   (Previously presented) A system as recited in claim 3, wherein the means for personalizing the multimedia message for the intended recipient comprises a multimedia engine routine within a programmed set of instructions being executed within a computer, the multimedia engine routine for assembling multimedia elements from a content database into a multimedia message in response to information about the intended recipient.

11.   (Previously presented) A system as recited in claim 3, wherein the means for delivering individualized multimedia message content to the intended recipients, comprises a delivery routine within a programmed set of instructions being executed within a computer that is operatively connected to a computer network, the delivery routine for formatting the individualized multimedia message content for the intended recipient and for subsequently delivering the individualized multimedia message over the network for the intended recipient, wherein the message for the intended recipient may be delivered directly to the recipient, or delivered indirectly through one or more systems which direct the individualized multimedia message to the recipient.

12.   (Previously presented) A system as recited in claim 11, wherein the individualized multimedia message is delivered to each of the recipients as an email message which includes multimedia content has text and graphics files and at least one of video and audio files in a format selected from the group of multimedia formats consisting of Flash™, Real Audio™, Quick Time™, Windows MP™, SWF, SWT, Java™, HTML/Embedded, animated GIF, and 3D™.

13.   (Original) A system as recited in claim 11, wherein the formatted individualized multimedia message is delivered to the recipient as an email message that plays automatically when the recipient clicks on the message.

14.   (Original) A system as recited in claim 13, wherein the individualized multimedia

message is delivered to the recipient, comprising markup language coding into which

multimedia elements are operatively linked to play as the markup language is executed.

15.   (Original) A system as recited in claim 13, wherein the markup language coding

is selected from the group of markup languages consisting of SGML, XML, and HTML.

16.   (Original) A system as recited in claim 11, wherein the individualized multimedia

message is formatted for delivery to the recipient as an email message containing a

unique URL link that when activated retrieves the individualized multimedia message

content.

17.   (Original) A system as recited in claim 16, wherein the activation of the unique

URL link comprises execution of a first routine to collect individualized data and a

second routine to display the individualized multimedia message content.

18.   (Original) A system as recited in claim 11, wherein the individualized multimedia

message is formatted for downloading to the recipient as a monolithic file, such as

Flash^{TM}, Real Audio^{TM}, Quick Time^{TM}, Windows MP^{TM}, SWF, SWT, Java^{TM},

HTML/Embedded, animated GIF, 3D^{TM}, MPEG, MP4, or JPEG file, that may be either

viewed or played by the recipient utilizing conventional players or viewers to access the

message.

19.   (Original) A system as recited in claim 11, wherein the individualized multimedia

message may be converted to a format compatible with a graphic printer, such that

individualized graphic output may be generated.

20.   (Previously presented) A system for creating and distributing individualized

multimedia messages over a computer network, comprising:

(a)   a computer operatively connected to said network and executing a

programmed sequence of instructions;

(b)   a recipient information access routing within said programmed sequence

of instructions for accessing data about a given intended recipient with unique recipient

information for at least a first and second recipient;

(c)   a content repository containing multimedia elements that may be

combined to form individualized messages with computer files comprising at least one of

text and graphics files, and further comprising at least one of audio and video files;

(d)   a content management routine within said programmed sequence of

instructions for retrieving selected multimedia content from the content repository,

wherein the process of selecting multimedia content is responsive to information content

regarding the given recipient accessed by the recipient information access routine;

(e)   a multimedia engine routine within said programmed sequence of

instructions, for packaging the multimedia content as an individualized message for

delivery to the given recipient; and

(f)   a delivery routine within said programmed sequence of instructions for

delivering the individualized message to the given recipient.

21.   (Original) A system as recited in claim 20, wherein the content repository comprises a structured database having a directory hierarchy.

22.   (Original) A system as recited in claim 20, wherein the recipient information is accessed within said programmed sequence of instructions using SQL, SAP and XML.

23.   (Original) A system as recited in claim 20, wherein the delivery routine is configured to deliver the multimedia message through a network for receipt on a media selected from the group of media consisting of email, WAP enabled devices, wireless devices, interactive TV, media files, and printed media.

24.   (Original) A system as recited in claim 20, wherein the delivery routine prepares the multimedia content for delivery in a specific delivery format.

25.   (Previously presented) A system as recited in claim 24, wherein the delivery routine further comprises synchronization routines for synchronizing different multimedia streams, such as the synchronization of audio and video streams.

26.   (Original) A system as recited in claim 24, wherein the delivery format provides a mechanism for servicing data queries.

27.   (Original) A system as recited in claim 24, wherein the specific delivery format is selected from the group of delivery formats consisting of: Flash^{TM}, Real Audio^{TM}, Quick Time^{TM}, Windows MP^{TM}, SWF, SWT, Java^{TM}, HTML/Embedded, animated GIF, 3D^{TM}, and wireless.

28.   (Original) A system as recited in claim 20, wherein the delivery format is capable of being converted for output to a printer so that the individualized multimedia message may be printed out as individualized graphics and text on a printing device.

29.   (Original) A system as recited in claim 20, wherein the recipient information is extracted from a client database.

30.   (Original) A system as recited in claim 20, wherein the multimedia messaging system is directly interfaced to the client system with a data exchange protocol through which the recipient information may be extracted.

31.   (Original) A system as recited in claim 30, wherein the exchange protocol utilized is selected from a group of exchange protocols consisting of ODBC, and XML.

32.   (Original) A system as recited in claim 30, wherein a custom interface is created for interfacing the multimedia messaging system with the client database.

33.   (Original) A system as recited in claim 20, wherein the information about the intended recipient comprises a user name and an associated email address, so that the multimedia content may be customized with the user name and delivered to the email address of the recipient which is associated with the user name.

34.   (Original) A system as recited in claim 20, wherein the delivery routine is configured to deliver the multimedia content to the intended recipient as an email message through a client routine that is supplied with data comprising the recipient's name, email address and a unique URL pointing to the message content, wherein the client routine is then capable of deploying the email message with the URL.

35.   (Previously presented) A system as recited in claim 34, wherein the delivery routine is further configured for delivery of the multimedia content to play spontaneously when highlighted within the recipient's email in-box.

36.   (Original) A system as recited in claim 35, wherein the email messages are deployed within an email campaign, said email campaign comprising a content database, and a list of recipients with associated personalization information.

37.   (Previously presented) A system as recited in claim 36, further comprising an archiving routine for storing and retrieving email campaigns.

38.   (Original) A system as recited in claim 37, wherein the archiving routine is capable of storing all files and structures relating to a specific campaign, such that a completed campaign that has been archived may later be restored for further development or use.

39.   (Original) A system as recited in claim 20, wherein the client interface of the content management routine comprises a graphical user interface which displays information and allows for direct client input.

40.   (Original) A system as recited in claim 20, wherein the content management routine further comprises routines for directing content uploading, and the customization of the content database.

41.   (Original) A system as recited in claim 20, wherein the content management routine further comprises routines for providing file security for a campaign which restricts non-authorized parties from accessing a client campaign.

42.   (Original) A system as recited in claim 20, wherein the content management routine further comprises a comprehensive search engine for use on the content repository.

43. (Original) A system as recited in claim 20, wherein the search engine further comprises a Thesaurus that is capable of looking up files in response to a set of keywords.

44. (Original) A system as recited in claim 20, wherein the content management routine further comprises version control routines for managing file check-in and check-out by clients accessing the system.

45. (Original) A system as recited in claim 20, wherein each of the elements of content being uploaded is represented on a screen and each element may be labeled by the client.

46. (Original) A system as recited in claim 44, wherein labeling of a content element comprises adding a filename, description, and a keyword list.

47. (Previously presented) A system as recited in claim 20, further comprising a reporting routine for real-time reporting of content and usage statistics.

48. (Previously presented) A system as recited in claim 47, wherein the reporting routine is adapted for further providing information on click-rate, click-tracking, sales, customer profiles, and use patterns.

49. (Original) A system as recited in claim 20, wherein the multimedia content comprises graphics, animations, audio, and text which are utilized singly or in combinations thereof.

50. (Previously presented) A system as recited in claim 20, wherein the content management routine further comprises a routine for synchronizing combinations of graphics, audio, and text for presentation to the given recipient.

51. (Previously presented) A system as recited in claim 20, wherein the multimedia engine routine further comprises a routine for modifying the individualized message content, such as the offer, discount, coupon, or rebate, after the campaign has been deployed, wherein individualized messages viewed or played after the modification will reflect the modifications.

52. (Original) A system as recited in claim 20, wherein the delivery routine further comprises a routine for collecting delivery and personal information about an additional recipient wherein the message may be re-individualized and delivered as word-of-mouth style advertising to the additional recipient.

53. (Original) A system as recited in claim 52, wherein the routine for collecting the delivery and personal information further collects optional information from the original recipient, such as recommendations, and an improved subject line.

54.   (Original) A system as recited in claim 20, wherein the packaged multimedia content is delivered to the given recipient within an email message.

55.   (Previously presented) A method of creating and distributing individualized multimedia messages over a computer network, comprising:

retrieving information about an intended message recipient from a recipient database using a computer;

personalizing a multimedia message for said recipient based on the retrieved information using a computer with unique recipient information for at least a first and second recipient and the multimedia message including computer files comprising at least one of text and graphics files, and further comprising at least one of audio and video files; and

delivering the multimedia message to said recipient over a computer network.

56.   (Original) A method as recited in claim 55, wherein the information about the intended recipient comprises a user name and an associated email address.

57.   (Original) A method as recited in claim 55, wherein the individualized multimedia message is assembled from multimedia segments which are selectably extracted from a content database.

58.   (Original) A method as recited in claim 55, further comprising providing the client with the ability to upload, search, and manage the multimedia content contained within the content database.

59.   (Original) A method as recited in claim 55, further comprising providing the ability to archive email campaigns, which can later be restored for additional development or deployment.

60.   (Original) A method as recited in claim 55, wherein the delivery of the multimedia message to said recipient is performed by sending emails to the recipients, wherein a unique URL is embedded in each email which points to stored message content, wherein upon the client opening the email the URL is activated and the individualized multimedia message is played for the client.

61.   (Original) A method as recited in claim 60, wherein the email is delivered in a format capable of playing spontaneously when the email message is highlighted in the recipient's in-box or selected for opening.

62.   (Original) A method as recited in claim 55, wherein the delivery of the multimedia message to said recipient is performed by providing the client with the recipient's name, email address and a unique URL pointing to the message content, wherein the client then deploys the email message with the URL.

63. (Original) A method as recited in claim 55, further comprising providing a database structure and directory structure for retrieving and processing multimedia files to be used in an email campaign.

64. (Canceled)

65. (Canceled)

66. (Canceled)

67. (Canceled)

68. (Canceled)

69. (Canceled)

70. (Canceled)

71. (Previously presented) A system as recited in claim 1, wherein the unique individual information is contained within the at least one of audio and video files, and the at least one of text and graphics files.

72. (Previously presented) A system as recited in claim 3, wherein there is unique individual information contained within the at least one of audio and video files, and the at least one of text and graphics files.

73. (Previously presented) A system as recited in claim 20, wherein there is unique

individual information contained within the at least one of audio and video files, and the

at least one of text and graphics files.

74. (Previously presented) A method as noted in claim 55, wherein the unique

recipient information is provided within the at least one of audio and video

files and the at least one of text and graphics files.

75. (Newly presented) A system as noted in claim 34, wherein the unique URL is

determined based on a prior unique URL for the same recipient.

76. (Newly presented) A method as noted in claim 60, wherein the unique URL is

determined based on a prior unique URL for the same recipient.

77. (Newly presented) A system as noted in claim 34, wherein the unique URL is

correlated with unique content in the message for the same recipient.

78. (Newly presented) A method as noted in claim 60, wherein the unique URL is

correlated with unique content in the message for the same recipient.